

REMARKS

The present Application is a reissue application of U.S. Patent No. 5,930,729 ("the '729 Patent"). As noted by the Examiner, the '729 Patent has been marked "Expired due to non-payment of maintenance fees," and that Applicant has filed petition to revive the '729 Patent. While the initial petition was denied, Applicant has requested reconsideration of the decision and awaits a response in this matter.

Declaration

Applicant files herewith a new Inventor's Reissue Declaration executed by the Applicant. As noted in section 6(a) of the Reissue Declaration filed September 18, 2002, Massimo Massa, co-inventor of the invention patented in the '729 Patent, is unavailable to execute the document. Mr. Massa apparently resides in Australia and his current address is unknown. Furthermore, under section 6(b), the last known address of Mr. Massa is identified in the Reissue Declaration filed September 18, 2002.

Assent of Assignee

Applicant files herewith a new Inventor's Reissue Declaration executed by the Applicant. On June 30, 2005, Applicant's ownership of an undivided interest in the '729 Patent was recorded in the Patent Office Assignments Division at Reel/Frame number 016301/0400. Applicant as both a co-inventor and the assignee of the undivided interest in the '729 Patent assents to the Reissue when Applicant executed the Reissue declaration.

Identification of Error

Applicant has provided a concise basis for filing the reissue application in the concurrently filed declarations. Furthermore, under sections 2-4 of the Reissue Declaration filed September 18, 2002, Applicant identified error in the issued patent as a failure to adequately claim the subject matter described in Figs. 20-22, 24 and 26 and described at col. 21, lines 3-7, 15-46, 64-67 and at col. 22, lines 1-8. Thus, Applicant described with specificity the error as being based in claims that are too narrow (*see* MPEP 1402).

Amendment to the Specification

Applicant has amended the Specification to include continuity information as required in the Office Action.

Amendment to the Claims

Applicant has amended the Claims as required in the Office Action.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



Anthony G. Smyth
Reg. No. 55,636
Tel. No. 858.509.4007
Fax No.

Date: December 11, 2006
11682 El Camino Real
Suite 200
San Diego, CA 92130-2092
(619) 234-5000